

## Record of Contact (To be maintained with Official Case File)

### U.S. Environmental Protection Agency Office of Civil Rights

#### FROM

#### To

**Name:** Jeryl Covington  
**Title:** Environmental Protect. Specialist

**Name:** Bob Menees  
**Title:** Great Rivers Law Center

**Name:** Sarah Rubensein  
**Title:** Great Rivers Law Center

**Complaint #:** 01RNO-20-R7

**Telephone:** TEAMS Meeting

**Time:** 10:02 a.m. – 10:19 a.m. EST

**Date:** June 8, 2021

**Attendees:** Dale Rhines, Assist, Dir ECRCO; Adam Wilson, CRFLO Atty; Ivery Goldstein, R7 Atty

**Summary of Contact:** Conference call with the complainants' representative. Jeryl Covington provided an overview of the actions completed to date. The overview included restating ECRCO's action of issuing a preliminary finding within 180-days of acceptance of the complaint on March 30, 2021. The recipient responded and disagreed with the preliminary findings via its submission on May 19, 2021; however, in its response, MoDNR did acknowledge making modifications to some of the procedural safeguards accordingly. ECRCO further communicated that it is continuing to investigate issue 1. ECRCO further acknowledged that EPA's and MoDNR's attorneys meet on June 1, 2021 to discuss the recipient's response and during the discussion, MoDNR indicated a willingness to consider resolving the complaint through an agreement and will follow-up with EPA this week in this regard.

Bob Menees asked about the availability to obtain a copy of the recipient's response. Dale Rhines addressed the request and indicated that due to the on-going investigation, ECRCO would likely not release the recipient's response. Dale Rhines additionally added that if a FOIA were to be filed, ECRCO could not release this information due to the status of the investigation. Dale Rhines further stated that if MoDNR agrees to an agreement it would address the technical issues of its program; ECRCO is continuing to investigation the substantive issue.

Bob Menees asked about the status of the recipient's public participation issue that was not addressed in the preliminary findings. Dale Rhines and Adam Wilson acknowledged that this will be part of the continuing investigation.

Adam Wilson further described the communications with MoDNR during the June 1, 2021 meeting and provided a description of MoDNR's response that included their "augmentative" position and then conceded that changes were made accordingly. Adam Wilson requested Great Rivers to provide suggestions for improvements for MoDNRs programs (e.g., simple language in permit documents).

Dale Rhines further acknowledged that the recipient was notified that a RFI is being developed and will be submitted. The content of the questions will go further than past practices and referenced that state and local agencies have to address civil rights differently than in the past **(b)(7)(A) Enforcement**

The complainants' rep was reminded to submit their suggestions and had no further questions.

**Follow Up (if necessary):** NA